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12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 IN AND FOR THE COUNTY OF ALAMEDA

14 CENTER FOR BIOLOGICAL DIVERSITY
15 AND SIERRA CLUB,

16 Plaintiffs/Petitioners,

17 v.

18 CALIFORNIA DEPARTMENT OF
19 CONSERVATION, DIVISION OF OIL, GAS,
AND GEOTHERMAL RESOURCES, et al.,

20 Defendants/Respondents,

21 AERA ENERGY LLC, et al.,

22 Respondents-in-Intervention, and

23 WESTERN STATES PETROLEUM
ASSOCIATION, et al.,

24 Respondents-in-Intervention.

ENDORSED
FILED
ALAMEDA COUNTY

MAY 18 2016

CLERK OF THE SUPERIOR COURT
By Alexis Bowles Deputy

Case No. RG15769302

ASSIGNED FOR ALL PURPOSES TO
JUDGE GEORGE C. HERNANDEZ, JR.
DEPARTMENT 17

**DECLARATION OF TAMARA ZAKIM
IN SUPPORT OF PLAINTIFFS'
MOTION TO AUGMENT
ADMINISTRATIVE RECORD
AND/OR CONSIDER
EXTRA-RECORD EVIDENCE**

Date: July 1 2016
Time: 2:30 p.m.
Dept: 17

Reservation No. R-1743539

Action Filed: May 7, 2015
Hearing Date: July 15, 2016

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DECLARATION OF TAMARA ZAKIM

I, Tamara Zakim, declare:

1. I am an attorney with Earthjustice, admitted to practice law in California. I am counsel for Sierra Club and Center for Biological Diversity in this action. I make this declaration based on my own personal knowledge and, if called upon to testify, could and would do so competently.

2. Exhibit A attached hereto is a true and correct copy of a draft record index prepared by the California Department of Conservation, Division of Oil, Gas, & Geothermal Resources (“DOGGR”) and delivered to me on March 22, 2016 via portable thumb drive. Under my direction and control, a true and correct copy of this document was attached to this Declaration as Exhibit A.

3. Exhibit B attached hereto is a true and correct copy of a letter I sent on behalf of Plaintiffs to Baine Kerr, counsel for DOGGR, via electronic mail on March 31, 2016. Under my direction and control, a true and correct copy of this document was attached to this Declaration as Exhibit B.

4. Exhibit C attached hereto is a true and correct copy of a letter I received via electronic mail from Mr. Kerr, counsel for DOGGR, on April 7, 2016. Under my direction and control, a true and correct copy of this document was attached to this Declaration as Exhibit C.

5. Exhibit D attached hereto is a true and correct copy of a letter I sent on behalf of Plaintiffs to Mr. Kerr, counsel for DOGGR, via electronic mail on April 19, 2016. Under my direction and control, a true and correct copy of this document was attached to this Declaration as Exhibit D.

6. Exhibit E attached hereto is a true and correct copy of the “Background Information” report titled “Ensuring Groundwater Protection: Is the Underground Injection Control Program Working?” dated March 10, 2015 and prepared by the Senate Natural Resources and Water and Environmental Quality Committees. On May 17, 2016, I downloaded this document from the California Senate’s official website at <http://sntr.senate.ca.gov/sites/>

1 sntr.senate.ca.gov/files/3_10_14_uic_background.pdf. Under my direction and control, a true and
2 correct copy of this document was attached to this Declaration as Exhibit E.

3 7. Exhibit F attached hereto is a true and correct copy of the California Department of
4 Conservation, Division of Oil, Gas, & Geothermal Resources Memorandum to District Deputies
5 from State Oil and Gas Supervisor Elena Miller, dated May 20, 2010, titled "Underground
6 Injection Control (UIC) Program Expectations." On May 17, 2016, I downloaded this document
7 from the California Senate official website at [http://sntr.senate.ca.gov/sites/sntr.senate.ca.gov/](http://sntr.senate.ca.gov/sites/sntr.senate.ca.gov/files/3_10_15_2010_internal_memo_from_doggr_suervisor_to_doggr_personnel.pdf)
8 [files/3_10_15_2010_internal_memo_from_doggr_suervisor_to_doggr_personnel.pdf](http://sntr.senate.ca.gov/sites/sntr.senate.ca.gov/files/3_10_15_2010_internal_memo_from_doggr_suervisor_to_doggr_personnel.pdf). Under my
9 direction and control, a true and correct copy of this document was attached to this Declaration as
10 Exhibit F.

11 8. Exhibit G is the July 18, 2011 letter from U.S. Environmental Protection Agency
12 ("EPA") to Elena Miller, State Oil and Gas Supervisor. On May 17, 2016, I downloaded this
13 document from EPA's official website at [https://www.epa.gov/sites/production/files/2016-05/](https://www.epa.gov/sites/production/files/2016-05/documents/epa-letter-doggr-w-final-report-2011-07.pdf)
14 [documents/epa-letter-doggr-w-final-report-2011-07.pdf](https://www.epa.gov/sites/production/files/2016-05/documents/epa-letter-doggr-w-final-report-2011-07.pdf). Under my direction and control, a true
15 and correct copy of this document was attached to this Declaration as Exhibit G.

16 9. Attached hereto as Exhibit H is a true and correct copy of DOGGR's "Emergency
17 Order to Immediately Cease Injection Operations," Order No. 1054 (July 2, 2014). The document
18 was obtained by the Center for Biological Diversity through a California Public Records Act
19 request seeking public records related to DOGGR's orders to cease injection at 11 wells in
20 July 2014. The Center for Biological Diversity sent this document to me unaltered. Under my
21 direction and control, a true and correct copy of this document was attached to this Declaration as
22 Exhibit H.

23 10. Exhibit I attached hereto is a true and correct copy of May 15, 2015 Letter from
24 DOGGR and State Water Resources Control Board ("State Water Board") to EPA Region IX. On
25 May 17, 2016, I downloaded this document from the Department of Conservation's official
26 website at [ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/US%20EPA%](ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/US%20EPA%205-15-2015%20Update.pdf)
27 [205-15-2015%20Update.pdf](ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/US%20EPA%205-15-2015%20Update.pdf). Under my direction and control, a true and correct copy of this
28 document was attached to this Declaration as Exhibit I.

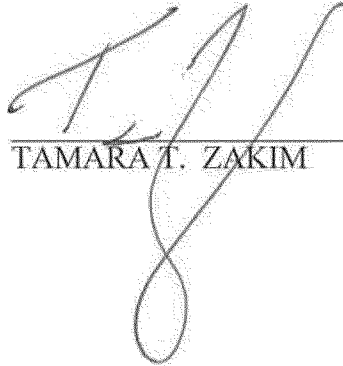
1 11. Exhibit J attached hereto is a true and correct copy of July 31, 2015 letter from
2 DOGGR and the State Water Board to EPA Region IX titled "July 31, 2015 Submittal of Review
3 Information for Category 2 Wells" and the letter's two attachments, "Attachment 1" and
4 "Attachment 2." On May 17, 2016, I downloaded from the Department of Conservation's official
5 website the July 31, 2015 letter at
6 <ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/20150731%20Joint%20Letter%20to%20US%20EPA%20%28Montgomery%29%20re%20Cat%20%20wells.pdf>; Attachment 1 at
7 <ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/20150731%20EPA%20Letter%2c%20Attachment%201%2c%202021%20Wells%20Assocd%20w%20Proj.xlsx>; and Attachment 2 at
8 <ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/20150731%20EPA%20Letter%2c%20Attachment%202%2c%203604%20Wells%20Not%20Assocd%20w%20Proj.xlsx>. Under my direction and
9 control, a true and correct copy of the letter and its two attachments were attached to this
10 Declaration as Exhibit J.

11 12. Exhibit K attached hereto is a true and correct copy of October 15, 2015 Letter from
12 DOGGR and the State Water Board to EPA Region IX regarding Category 1 Well Review
13 Findings. On May 17, 2016, I downloaded this document from the Department of Conservation's
14 official website at <ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/20151015%20-%20Joint%20Letter%20to%20US%20EPA%20Cat%201%20Well%20Review%20Findings.pdf>. Under my direction and control, a true and correct copy of this document was
15 attached to this Declaration as Exhibit K.

16 13. Exhibit L attached hereto is a true and correct copy of October 15, 2015 Letter from
17 DOGGR and the State Water Board to EPA Region IX regarding Category 2 Well Review
18 Findings. On May 17, 2016, I downloaded this document from the Department of Conservation's
19 official website at <ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/20151015%20-%20Joint%20Letter%20to%20US%20EPA%20Cat%202%20Well%20Review%20Findings.pdf>. Under my direction and control, a true and correct copy of this document was
20 attached to this Declaration as Exhibit L.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3
4 DATED: May 18, 2016

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6 TAMARA T. ZAKIM
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